

Exhibit 1

APPENDIX 5

Sen. Report No. 93-738, at 3008 (1974)

8

NATIONAL WILD AND SCENIC RIVERS SYSTEM

P.L. 93-279, see page 134

House Report (Interior and Insular Affairs Committee) No. 93-675,
Nov. 29, 1973 [To accompany H.R. 9492]

Senate Report (Interior and Insular Affairs Committee) No. 93-738,
Mar. 20, 1974 [To accompany H.R. 9492]

Cong. Record Vol. 119 (1973)

Cong. Record Vol. 120 (1974)

DATES OF CONSIDERATION AND PASSAGE

House December 3, 1973; April 10, 25, 1974

Senate March 22, April 23, 1974—

The Senate Report is set out.

SENATE REPORT NO. 93-738

THE Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 9492) to amend the Wild and Scenic Rivers Act by designating the Chattooga River, North Carolina, South Carolina,

WILD AND SCENIC RIVERS

P.L. 93-279

and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

I. PURPOSE OF BILL

The purpose of H. R. 9492, as amended, is to include the Chattooga River in the Wild and Scenic Rivers System and also to make various general amendments to the Wild and Scenic Rivers Act in order to strengthen the Act in several respects.

II. THE CHATTOOGA RIVER

BACKGROUND

In 1968, the Congress enacted the Wild and Scenic Rivers Act (P.L. 90-542; 82 Stat. 906) which designated 8 rivers for immediate inclusion in the Wild and Scenic Rivers System and provided that comprehensive studies should be made of 27 others by either the Secretary of the Interior or the Secretary of Agriculture. Since that time, the Lower St. Croix has been studied and given Congressional approval for inclusion in the system. The Chattooga River is only one of five of the so-called "study rivers" on which a study has been completed and a proposal transmitted to Congress.

As one of the 27 designated study rivers, the study of the Chattooga River was begun in 1969 by the Secretary of Agriculture (by agreement, the Interior Department is the lead agency for 18 studies and the Agriculture Department has the lead responsibility for the remaining 9). After the basic study was made, two public meetings were held in the affected area to allow interested citizens an opportunity to express their views and a task force with interagency and State representation reviewed the study and the proposed study report.

Support for the wild and scenic river designation was nearly unanimous. The legislatures of all three States involved have approved resolutions endorsing the proposed inclusion of the Chattooga in the system. While nearly all Federal agencies commented favorably on the proposal, the Federal Power Commission recommended that the river be studied further because of its hydroelectric power potential.

LOCATION AND DESCRIPTION OF THE CHATTOOGA RIVER

1. LOCATION

The Chattooga River begins as a trickle on the crest of the Blue Ridge Mountains of North Carolina, but in a relatively short distance, enough waters combine to constitute a definable stream some 54 miles above its confluence with the Tallulah River. In its journey from the Blue Ridge Mountains it passes through Jackson and Macon Counties (about 10 miles) in North Carolina and from the border of South Carolina (Oconee County) and Georgia (Rabun County) for roughly 40 miles until it empties into the quiet waters of Lake Tugalo. This stretch of the river along with its tributaries, was thoroughly studied for wild and scenic river classification. The West Fork, which is also recommended for inclusion in the system, is located entirely in the State of Georgia.

LEGISLATIVE HISTORY

P.L. 93-279

The Chattooga, which is itself a tributary of the Savannah River, drains an area covering 278 square miles. From its headwaters, it flows swiftly southward through primitive mountain country. Hemmed in mostly by forests and occasional farms, fields, cottages, and a few other signs of civilization, it is said to be one of the longest and largest undeveloped free-flowing streams remaining in the southeast. At the northern end of the watershed, the elevation of the stream is about 4800 feet. From a point near Cashiers, where the elevation is 3360 feet, the river drops within a short 50 miles, to 891 feet when it reaches Lake Tugaloo—an average descent of nearly 50 feet per mile. It is this unusual combination of factors which makes this area the scenic attraction that it is.

2. CLASSIFICATIONS OF THE RIVER

Sections of the rivers included in the Wild and Scenic Rivers System are generally classified in three defined categories—wild, scenic, or recreational—depending upon the nature of each section, the amount and type of access to it, the character of the area surrounding it and the degree of development along the shoreline. The Chattooga River proposal, as suggested in the study report, will include four sections (40.3 miles) classified as wild; two sections (6.5 miles) classified as scenic; and two sections (10.1 miles) classified as recreational. The differences between these categories become clear as they are described in the paragraphs below:

Section 1. Scenic.—Beginning with the headwaters of the river, the first 5½ miles contain some of the most dramatic scenery found on the river. It features several spectacular water falls, including Silver Slipper Falls, which drop 150 feet down the mountainside partially framing Whiteside Mountain in the background, Ribbon Falls where the water drops another 75 feet, and Corkscrew Falls, the only major free-falling water fall on the river. Ultimately, the river enters a valley where old fields and open pastures are in evidence as well as several summer homes. Unlike the upper extremes, access is available at this point for floaters seeking an exciting experience on this stretch of the river.

Section II. Wild.—The next 15.9 mile segment (4.3 miles of which is in North Carolina) of the river, which is crossed by only two narrow bridges, has been virtually unchanged by man. It includes some beautiful, but hazardous, whitewater. Since the average drop of the river is 84 feet per mile in this segment it should only be negotiated in rafts with experienced guides and boatmen—even they must portage some of the more dangerous portions of this segment of the river. Huge boulders lie directly in the path of the river and rock outcrops, cliffs, and slick rock walls tower above making it difficult to climb out or portage around dangerous cascades and other obstacles. In a short span of 1½ miles, the fast moving waters drop over 16 cascades and rapids, before reaching one of the most difficult portions of the river where, for 8 miles, it splashes around huge rocks, through narrow sluices, over numerous waterfalls and rapids, and through a Rock Gorge where house-size boulders further constrict the already narrow channel through which floaters must pass. While rafting this segment is difficult, it is about the only way to see this portion of the river, since the rugged terrain makes access for hikers almost impossible.

WILD AND SCENIC RIVERS

P.L. 93-279

Section III. Recreational.—Unlike the difficult segment immediately upstream, this 6.1 mile portion of the river flows along peacefully through an area of gentle slopes with picturesque fields, farms and homes. It is the slowest section of the river (dropping only 12 feet per mile) and is shallow and suitable for the inexperienced canoeist.

Section IV. Wild.—Beginning as a wide, slow moving river, this 15 mile segment soon reaches Big Shoals. Here, as a warning of the dangers ahead, the river tumbles over a 5 foot ledge. After several relatively easy rapids, the river passes along one of the most beautiful stretches of whitewater in the Southeast. Just past the Rock Garden, where rock slabs jut up from the river bed at 45° angles, a waterfall cascades 50 feet down into the river from a tributary. Then the tempo of the stream increases as it is constricted into a narrow gorge about 6 feet wide pouring in quick succession over several ledges, a turbulent flume, and several rapids before reaching Bull Sluice where the water drops over falls 10 feet high.

Section V. Scenic.—The next mile includes the portion of the present bridge, the remains of an earlier bridge, and is readily accessible from the highway.

Section VI. Wild.—The last 7.1 miles of the main stem of the river widens and flows through undisturbed forest lands. Starting in relatively calm waters, the river soon drops over several steep rapids and twists sharply over cascading falls at a point known as Woodall Shoals. Then the river begins its descent into its most difficult stretch of whitewater. Once this last 3.7 mile stretch of the river is begun, floaters have reached a point of no return because the wildness of the area and the sheerness of the ridges and canyon walls make it almost impossible to withdraw. It is said that no other stretch of the river can compare with it for excitement and it has been rated by canoe experts as one of the most difficult stretches of whitewater in the country. Here, the river crashes between narrow canyon walls over a succession of 48 major rapids and cascades before spilling out of the gorge and ultimately into the still, quiet waters of Tugaloo Reservoir.

Section VII. Wild.—This section, as well as Section VIII, is located on the West Fork of the Chattooga—which is its largest tributary. Totalling 3.3 miles, this portion of the West Fork is wild and inaccessible. Because of the tough terrain in its upper reaches, the use of floating equipment is impractical and a considerable effort must be made simply to hike into the area. Once the trip is made, however, the visitor finds that this area features beautiful waterfalls and continuous whitewater with vertical cliffs rising a hundred feet or more from the riverbed below.

Section VIII. Recreational.—As the tributary flows toward the mainstem, its character and the topography change. The stream becomes more gentle and suitable for novice canoeists. Man's presence becomes more apparent as fishing cabins, roads and signs of logging come into view.

As can be seen from the description above, the Chattooga offers an almost incomparable opportunity to preserve, intact, an outstanding free-flowing stream. Not only can the river offer an unusual recreational experience, but the entire region features high quality scenic, natural, and historic values worthy of recognition and preservation.

LEGISLATIVE HISTORY P.L. 93-279

3. DESCRIPTION OF THE REGION

The upper end of both the Chattooga and its West Fork are accessible only by walking and the lower end of the mainstem of the river is almost as inaccessible. The riverbed characteristics are strongly influenced by the geology of the region, the use of the land, the gradient and the weather and climate of the region.

Entrenched by steep rocky slopes at many points, the Chattooga has cut deep narrow gorges as it falls rapidly from the highlands. The most pronounced of these is in section II where the river drops about 84 feet per mile. Although the slopes are steep, they are mostly forested, except where abrupt rock faces occur. Because of the high rainfall and the relatively moderate climate, a wide variety of plant life is found. Timber stands are mostly second growth forests of mixed composition. Conifers include hemlock and short leaf, pitch, Virginia and white pine. White, black, scarlet, northern red, and chestnut oaks are among the commercial hardwoods. Yellow poplar, basswood, hickory, red maple, black cherry, walnut, cucumber, ash, and gum trees are also found. The understory includes an abundance of dogwoods, sourwood, mountain laurel, rhododendron, and many small flowering plants. Several rare plant species occur along the Chattooga. Mountain camellia is found rather frequently and the rare *Shortia* plant is occasionally seen. Other unusual plants include wild orchids, ferns, ground pine, lilies, trilliums and violets.

Wildlife values along the river are those common on adjacent lands. Deer are scarce, but the population is increasing, and bears are occasionally seen. Turkeys are not uncommon and their numbers may be enhanced if preservation of the wild river zones is assured since their nesting areas would be protected from disturbance by the limited access. Grouse, quail, squirrel, and rabbit hunting is common in the area and raccoon hunting is a popular activity, as well. Beaver, muskrat, mink, fox, bobcat and opossum are all present in the area. Occasionally timber rattlesnakes and copperheads are sighted.

Fishing is probably the number one attraction of the river at the present time. In the upper reaches of the mainstem and in the downstream tributaries, where the water is clear and cool, trout fishing is excellent. In the lower regions, redeye bass fishing is better. Generally, studies of the water quality show the river to be a "natural stream in its chemistry and biology." Coliform counts are very low, except during stormy periods, and turbidity is low according to recent studies.

Naturally, such a stream is most attractive to whitewater enthusiasts of all kinds and the river is becoming very popular in this regard. While much of it can be successfully negotiated by raft, canoe, or kayak, the shallow water and numerous rocks preclude the use of motorized boats. Similarly the rugged terrain is inviting to experienced hikers and campers who enjoy an isolated, wilderness environment. Developed campgrounds along the river are virtually nonexistent at the present time, and suitable sites for such facilities are very limited. It is anticipated that most developed facilities will be located on satellite sites within the adjacent National Forest lands.

4. HISTORY OF THE REGION

Historically, this region offers an excellent opportunity for interpretation of Indian occupation and use. Prior to 1800, a large Indian

WILD AND SCENIC RIVERS

P.L. 93-279

settlement known as Old Town once existed near the existing site of Highway 28 Bridge in the area designated as Section III. Conquered by Cherokees, the entire region came under Cherokee control. Legends, artifacts, and settlements tell of the Cherokee culture and history. At least three Cherokee trails crossed the Chattooga—including the "Creek Trading Trail" which served as a major trading route between the Creek Nation and the middle Cherokee Indians and a trail in Section IV which connected two major Cherokee settlements known as Stekoa and Keowee.

During the early 1700's, pioneers began to arrive on the scene. William Bartram, a famous early American botanist, visited the region and crossed the Chattooga in 1775 and Andre Michaux, another pioneer botanist, travelled and collected specimens in the area—discovering, among other things, the rare *Shortia* plant. It was not until around 1830 that the first white settlers arrived to make their homes along the Chattooga around Burrells Ford and near the site of Old Town, the ancient Indian Village. Pioneer construction can still be seen in Section I where Monroe House remains as evidence of the earliest known settlement by the white man.

5. ALTERNATIVE USES

Few alternative uses of the area are feasible. While some old fields are seen along portions of the river, they are mostly reforested areas abandoned in prior generations. Harvest of timber resource in the area is limited by difficulties of access and by the possibility of extreme environmental damage that would result if those resource were exploited. The fast flowing stream does offer some hydroelectric potential and, until recently, the Georgia Power Company owned a substantial amount of land along the river; however, because development of the resource was considered marginal from an economic viewpoint no real effort was made to develop the sites. On this point, it should be noted, that although the Corps of Engineers once identified four potential damsites on the Chattooga, a spokesman for that agency supported the designation of the Chattooga as a component in the Wild and Scenic Rivers System at a recent public meeting. The Federal Power Commission, on the other hand, has located two potential hydroelectric damsites which it considers suitable for development. Both of these sites would seriously impair the quality of the river and make it unsuitable for inclusion in the system.

Granting the power potential of the river, the Committee nonetheless believes that classifying the Chattooga as a component of the Wild and Scenic Rivers System is the surest way to preserve its ecology and the beauty of the river and its environs.

III. GENERAL AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

The Committee amended H.R. 9492 by adding to it several general, significant modifications to the Wild and Scenic Rivers Act. These modifications are designed to remedy deficiencies in the Act which have become apparent during the five years' experience under it.

A sense of urgency is attached to the Committee amendment to H.R. 9492 because of its clause (b). The protection from water resource projects for the 27 rivers now under study for possible in-

LEGISLATIVE HISTORY

P.L. 93-279

clusion in the national wild and scenic rivers system, expired on October 2, 1973. Most of these studies are as yet uncompleted; only five have been transmitted to Congress. Clause (b) would extend the protection period to October 2, 1978, the final due date provided in the original Act for the river studies.

Clause (c) would increase the funding authorization from \$17,000,000 to \$37,600,000 to permit completion of acquisitions for seven of the eight rivers which were designated in the original Act as the first components of the system.

Clause (d) puts a definite three fiscal year time limit on the studies for all rivers designated for study by Congress either in the original Act or any subsequent Act; removes the authority of either Secretary, without ever reporting to Congress, at his discretion, to terminate a study of, and remove protection for, any river which Congress has designated for study; and provides that the President, rather than one of the Secretaries, must report to Congress on each river study.

BACKGROUND AND ANALYSIS

Clause (b). The Wild and Scenic Rivers Act provided for the study of 27 rivers for possible inclusion in the national wild and scenic rivers system. A 10-year study period (until October 2, 1978) was established. However, under section 7(b)(1), the study areas were protected from water resources projects for only 5 years (until October 2, 1973). To date, only five river studies have been transmitted to Congress. The Administration has discarded entirely its earlier schedule calling for completion of all 27 studies by the October 2, 1973, termination date of the protection period. A newer schedule prepared early last year called for completion of most of the studies by mid-summer 1974. However, this schedule is already outdated. The most recent schedule, prepared by the Bureau of Outdoor Recreation and the Forest Service at the request of Senators Haskell and McClure places the completion dates for a number of rivers three to five years from now. To insure the continued protection of these areas while the studies are being completed, clause (b) of H.R. 9492, as ordered reported, would extend the protection period for an additional five years so as to make it correspond to the study period (both periods concluding on October 2, 1978).

Clause (c). Section 16 of the original Act authorized the appropriation of not more than \$17,000,000 for the acquisition of the initial components of the national wild and scenic rivers system. Some \$16.9 million have been appropriated, but acquisitions have not been completed for seven of the eight original wild and scenic rivers. In testimony before the Subcommittee on Public Lands, Mr. James G. Watt, Director of the Bureau of Outdoor Recreation of the Department of the Interior, presented the breakdown of the estimated additional costs necessary to complete the acquisitions planned in each river area:

Clearwater, Middle Fork, Idaho.....	\$2,160,000
Eleven Point, Mo.....	2,000,000
Feather, Middle Fork, Calif.....	3,850,000
Rio Grande, N. Mex.....	100,000
Rogue, Oreg.....	8,040,000
Saint Croix, Minn. and Wis.....	1,450,000
Salmon, Middle Fork, Idaho.....	1,100,000
Total.....	20,600,000

WILD AND SCENIC RIVERS

P.L. 93-279

The Committee amendment would add the \$20.6 million sum to the original funding authorization, thus providing a new authorization total of \$37,600,000.

Clause (d). This clause would:

(1) put a definite time limit on the studies for all rivers designated for study by Congress in either the original Act or any subsequent Act;

(2) remove the authority of either Secretary, without ever reporting to Congress, at his discretion, to terminate a study of, and remove protection for, any river which Congress has designated for study; and

(3) provide that the President, rather than one of the Secretaries, report to Congress on each river study.

The original Act provided a ten-year time period for study of the 27 rivers designated for study in the Act. There was no provision similar to subsection (c) of section 3 of the Wilderness Act (78 Stat. 890) providing that "not less than one-third of the areas . . . (shall) be reviewed . . . within three years after enactment . . . , not less than two-thirds within seven years of enactment . . . , and the remainder within ten years of enactment. . . ." As noted in the discussion of clause (b), only five studies have been transmitted to Congress and the most recent schedule suggests that three to five more years will be required for completion of some of the studies. It was pointed out at the Public Lands Subcommittee hearing that long delays in completing studies not only endanger system status for rivers threatened by development, but also leave property owners in the unfortunate position of not knowing for an extended period what will be the future of their property.

A ten-year study period was, of course, logical for the original Act which called for 27 studies. However, future additions to the study category will be done on a case-by-case basis usually by separate Acts of Congress. This process insures the spacing of studies. In addition, as manifested in the recent schedule, studies of the original 27 rivers are now spaced as to degree of completion. As time requirements on staggered studies would not appear to be onerous, part (1) of clause (d) provides a three complete fiscal year time limit on all river studies. The time limit runs from the date of enactment of any Act, subsequent to the original Wild and Scenic Rivers Act, which mandates the study of additional rivers and from the date of enactment of H.R. 9492 for the 27 original study rivers. The period is based on fiscal years to insure three complete rounds of appropriations for each study.

Presently, the original Act allows the relevant Secretary to terminate a study of a river at any time and remove the protection of the river should he decide that the river should not be included in the national wild and scenic rivers system. (In fact, Congress has received notice that two study rivers do not meet the criteria for inclusion in the Wild and Scenic Rivers System. This notification was provided in the form of brief letters from the Secretary of the Interior. No study report justifying these decisions was submitted, thus placing Congress in the position of being unable to evaluate whether such decisions were justified.)

In contrast to this approach, the Wilderness Act requires that *all* studies be completed and reported to Congress whether or not the recommendations are favorable or unfavorable to inclusion of the

LEGISLATIVE HISTORY

P.L. 93-279

relevant areas in the national wilderness preservation system. Protection cannot be removed from certain areas under subsection 3(b) of the Wilderness Act until the reports are completed and submitted and "until Congress has determined otherwise".

Clause (d) takes a compromise position. It does not call for the unlimited protection provided in the Wilderness Act, but it does require completion of the river studies and allows Congress the opportunity to review them before releasing the river areas from protection. Parts (1) and (4) of clause (d) provide for completion of all studies mandated by Congress. (As noted above, this clause would also provide a study deadline of three fiscal years from enactment of this bill for the 27 rivers included in the original Act and three fiscal years for each river added to the study category by Congress subsequent to the original Act.) The protection period for rivers under study would be extended to October 2, 1978 by clause (b). However, in addition, the protection would be provided by part (3) of clause (d) for the three full fiscal year study periods for any rivers added to the study category if such periods would extend beyond the October 1, 1978 deadline (which would be the case for all Acts of Congress enacted after October 1, 1975). Clause (d) does not afford protection indefinitely beyond these periods until Congress acts as does the Wilderness Act, rather it preserves the language of the original Wild and Scenic Rivers Act (clause 7(b)(ii)) which extends the protection for not more than three years to allow Congress to consider the reports. The original language is amended by part (4) of clause (d) only to comply with the intent of clause (d) to insure that Congress receives and will have the three-year opportunity to deliberate on reports on all the rivers it has directed to be studied, not just those which the relevant Secretary finds worthy of addition to the system.

Finally, to better provide for timely completion of the river studies, part (1) of clause (d) transfers the responsibility for reporting to Congress on the studies from the Secretaries of the Interior and of Agriculture to the President. As Senator McClure pointed out in the Public Lands Subcommittee hearing, the Wilderness Act language which places the duty of reporting the wilderness studies directly on the President was effectively evoked by Congress and the conservationists in their effort to expedite completion of the studies after early delays. It is expected that the provision of a similar responsibility for river studies will have a similar result.

IV. LEGISLATIVE BACKGROUND

H. R. 9492, which passed the House of Representatives on December 3, 1973, is virtually identical to S. 2385, introduced by Senators Talmadge and Nunn.

After an October 10, 1973 hearing on S. 2385, the Subcommittee on Public Lands in open mark-up session on December 7, 1973, unanimously ordered reported H. R. 9492 to the Full Committee on Interior and Insular Affairs.

Clauses (b), (c), and (d) added by Committee amendment to H. R. 9492 were originally contained in S. 921, a bill to amend the Wild and Scenic Rivers Act, as it was passed by the Senate on September 24, 1973.

S. 921, containing clauses (b) and (c), was submitted to the Senate on February 15, 1973, by the Honorable Rogers C. B. Morton, Secre-

WILD AND SCENIC RIVERS

P.L. 93-279

tary of the Interior. On February 20, 1973, S. 921 was introduced, by request, by Senators Henry M. Jackson and Paul J. Fannin.

A draft of clause (d) was submitted as an amendment to S. 921 by Senator Floyd K. Haskell at the July 30, 1973 open mark-up on S. 921 conducted by the Subcommittee on Public Lands. Clause (d), as it now appears, was shaped by the Subcommittee during the mark-up. In particular, the language providing for submission of the studies to Congress by the President was suggested by Senator James A. McClure.

At the July 30, 1973 mark-up, the Subcommittee on Public Lands, by unanimous vote, reported favorably S. 921, as amended, to the full committee. The Committee on Interior and Insular Affairs, in open mark-up on September 14, 1973, unanimously recommended the enactment of S. 921, as amended.

Subsequent to Senate passage of S. 921, the House of Representatives, on December 3, 1973, passed the bill, after amending it by substituting the text of H.R. 4864. On December 21, 1973, the Senate agreed to the House amendment with an amendment containing a modified version of the conference report on S. 2589, the Energy Emergency bill. The House refused to accept the Senate amendment and returned the bill in the same version previously passed by the House.

On March 12, 1974, in open mark-up session, the Committee on Interior and Insular Affairs unanimously agreed to order H.R. 9492, as amended, reported favorably to the Senate. In order to protect the Senate version of S. 921, the Committee chose to attach to H.R. 9492 all of S. 921's provisions except one relating to land exchange authority.

V. COST

The authorization for land acquisition in connection with the addition of the Chattooga River to the Wild and Scenic Rivers System as required in clause (a) is limited to \$2,000,000.

Since about 87 percent of the 15,432 acres of land involved is already Federally owned, the amount of land to be acquired within the quarter-mile strip on either side of the river will be relatively small. Most of the area has remained undeveloped for decades and permanent residences are only occasionally found. Under the terms of the Wild and Scenic Rivers Act, condemnation cannot be used to acquire fee title in this case, except for necessary public uses, since Federal ownership already exceeds 50 percent of the total amount of land involved; however, fee title can be purchased from willing sellers and scenic easements can be acquired by condemnation, if necessary. It is anticipated that scenic easements will meet the management objectives in most instances unless control over access or undesirable developments necessitate fee acquisition.

Ownership of the riverbed depends upon the legally defined character of the river and upon State law. Title to any riparian interest in the river would pass to the Government with the title to any lands acquired. Any interest owned by the States involved would remain with them. The Committee expects the Secretary of Agriculture, since he will be charged with the administration of this unit, to promptly negotiate with the States in an effort to secure the donation of any interest which they may own in the river and riverbed or to assure the protection of the streambed and water from adverse uses by means

LEGISLATIVE HISTORY

P.L. 93-279

of an irrevocable co-operative agreement guaranteeing their use in a manner compatible with the purposes for which this component is being established. Naturally, since all three States have endorsed this proposed action, their fullest cooperation is anticipated.

Most development, as already noted, would take place on adjacent forest lands; however, certain facilities must be installed within the boundaries of the riverway in order to accommodate those who will visit the area. Trails, access roads, launching facilities, sanitary facilities, and primitive campgrounds, among other things, will be needed. Current estimates supplied to the Committee indicate that a total of \$809,000 should be adequate to meet these needs. The prime objective of these facilities will be to provide visitors with a safe, enjoyable experience and at the same time to assure the protection of the resource. While the burden of safety will of necessity be borne by the individual visitor, the administration of the river, as an entity, should enable the Forest Service to promote a suitable safety program and to establish uniform safety regulations for the entire river.

The total authorization for acquisition and development in clause (a) is \$2,809,000.

The new obligational authority which would be incurred in carrying out clause (c) of H.R. 9492, as amended, would be \$20,600,000.

VI. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open mark-up session on March 12, 1974, by voice vote, unanimously recommended that H.R. 9492, as amended, be enacted.

VII. EXECUTIVE COMMUNICATIONS

The reports of the Departments of the Interior and Agriculture and the Office of Management and Budget on S. 2385, the Senate companion measure to H.R. 9492 are set forth in full below, as well as Executive Communications from the Department of the Interior concerning S. 921, provisions of which have been attached to H.R. 9492.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., October 10, 1973.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on S. 2385, a bill "To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

We recommend in favor of enactment either of that bill, if amended as suggested in this report, or of the proposed bill forwarded to the Congress by the Department of Agriculture in October 1973, as an attachment to that Department's "Wild and Scenic River Study Report, Chattooga River."

S. 2385 would designate as a component of the National Wild and Scenic Rivers System a segment of the Chattooga River from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir,

WILD AND SCENIC RIVERS

P.L. 93-279

and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles. The area would be administered by the Secretary of Agriculture as a part of the Chattahoochee, Nantahala, and Sumter National Forests, in accordance with and subject to the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906). The bill refers to a boundary map, which is to show the general boundaries, as well as the designation of the river segments as wild, scenic, or recreational segments. Within 1 year of enactment, the Secretary of Agriculture is to establish detailed boundaries and formulate detailed development plans for the river unit. The designation of the river unit is to be effective as of the date of enactment, rather than in accordance with the provisions of section 4(b) of the Wild and Scenic Rivers Act. The bill authorizes \$2 million for land acquisition and \$528,000 for development.

We strongly support the purpose of S. 2385, of establishing a 57-mile segment of the Chattooga River as a component of the Wild and Scenic Rivers System. The Department of Agriculture has prepared a report recommending inclusion of this segment in the system and we have concurred in that report. We believe, however, that the bill could be simplified substantially if it were drafted as an amendment to the Wild and Scenic Rivers Act, rather than as a separate act. The 1972 legislation which added the Lower Saint Croix to the system (P.L. 92-560) took the approach of amending section 3(a) to add an additional river component, as does the Department of Agriculture's proposed bill on the Chattooga River. Adding all new system components as amendments to section 3(a) of the Wild and Scenic Rivers Act makes reference to them easy, and makes it unnecessary to repeat provisions concerning establishment of boundaries, completion of development plans, and other provisions dealing with establishment of a new component.

We would recommend amending section 1 of S. 2385 to read as follows, deleting sections 2 and 3; and renumbering section 4 as section 2.

"That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

(10) Chattooga, North Carolina, South Carolina, Georgia.—The segment from 0.8 miles below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act within one year from the date of enactment of this Act."

Reference made in S. 2385 to the 1-year waiting requirement contained in section 4(b) of the Act has been deleted as unnecessary, since we would construe congressional action in enacting the Chattooga River bill as superseding the provisions of that section.

We would also recommend deleting the ceiling on development costs contained in S. 2385, as there is no such ceiling for the "instant rivers."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL, Assistant Secretary of the Interior.

3017

LEGISLATIVE HISTORY

P.L. 93-279

DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY,

Washington, D.C., October 10, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: I am pleased to give you a report recommending the designation of the Chattooga River and its immediate environs as an addition to the National Wild and Scenic Rivers System.

The entire Chattooga River was designated for study in the Wild and Scenic Rivers Act of 1968. Our study of the Chattooga River indicates that the river and its immediate environs fully meet the criteria for a wild, scenic, and recreational river stated in section 2(b) of the Act (82 Stat. 906, 16 U.S.C. 1273). The study report recommends the entire river from Tugaloo Lake upstream 49.6 miles to the junction of three minor streams and 7.3 miles of the West Fork Chattooga River be included in the designation.

The Chattooga River report has been reviewed by the States involved and by concerned Federal Departments and Agencies. The comments of the Governors and General Assemblies of North Carolina, South Carolina, and Georgia, the Secretaries of the Interior, Army, Transportation, Housing and Urban Development, and Health, Education and Welfare, the Water Resources Council, the Federal Power Commission, and the Environmental Protection Agency are appended to the report. With the exception of the Federal Power Commission, reviewers support our recommendation that the Chattooga River should be added to the National Wild and Scenic Rivers System. The Federal Power Commission recommended that the river be given further study because of its substantial hydroelectric power potential and the possibility of developing power in part of the river and preserving the remainder in a free-flowing state. Although we recognize that the river has hydroelectric power potential, in our judgment, preservation of its free-flowing condition and associated wild and scenic values outweighs the value associated with development of its power potential. A dam or dams, whether located upstream or downstream on the river, would seriously detract from or destroy the natural values of the Chattooga River as a component of the Wild and Scenic Rivers System.

The hearing record from public meetings indicates nearly unanimous support for wild and scenic river designation from individuals and various organizations. Some concern was expressed by a few local landowners over the possibility that designation of the river would affect their property rights. These concerns were primarily a result of a lack of full understanding as to the provisions of the Wild and Scenic Rivers Act regarding land acquisition.

Section 4(b) of the Wild and Scenic Rivers Act provides in part . . . "No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided." (82 Stat. 906, 16 U.S.C. 1275.) Since the legislatures of the three States affected by the proposal have already passed resolutions supporting the designation of the Chattooga River

WILD AND SCENIC RIVERS

P.L. 93-279

as a wild and scenic river, we feel that the intent of section 4(b) has been met. Consequently, we recommend that Congress proceed now with the consideration and enactment of legislation to designate the Chattooga River as a component of the National Wild and Scenic Rivers System.

The Chattooga River flows through a mixture of private and National Forest lands. The area encompassed within the proposed river corridor is approximately 15,000 acres of which some 84 percent is National Forest land. We are, therefore, recommending that the Secretary of Agriculture be assigned administrative responsibility for the river.

Estimated costs based on 1970 prices for a 5-year program are \$2 million for land acquisition, \$528,000 for development, and \$520,000 for operation and maintenance. These estimated costs are shown by fiscal year in the attached Man Year and Cost Estimate Table. Land acquisition would be funded through the Land and Water Conservation Fund. A small increase in Federal employment is anticipated which would primarily consist of seasonal workers employed for maintenance and protection of the river area.

The Chattooga River is a clean, free-flowing mountain stream located in a relatively undeveloped mountain setting. It is readily accessible to several metropolitan areas and is considered one of the finest white-water streams in the Southeast. I believe this combination of unique natural values is an irreplaceable resource and the best use of the river is as a component of the National Wild and Scenic Rivers System.

A draft of legislation which would implement this proposal is enclosed. This Department strongly recommends that this legislation be enacted. Also enclosed is an Environmental Statement for the proposal which has been prepared pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 853).

A similar letter is being sent to the Speaker of the House of Representatives. The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

SUPPLEMENTAL STATEMENT ON CHATTOOGA RIVER: MAN-YEAR AND COST ESTIMATE TABLE

	Fiscal year				
	1st	2d	3d	4th	5th
Man-years.....	6	7	9	10	12
Costs (thousands of dollars):					
Personal services.....	64	69	88	98	121
Other items:					
Operation and maintenance (excluding personal services).....	10	10	17	19	24
Land acquisition.....	200	200	1,000	500	300
Development.....	132	132	132	132	132

LEGISLATIVE HISTORY

P.L. 93-279

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., October 17, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
New Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request of September 25, 1973, for the views of the Office of Management and Budget on S. 2385, a bill "To designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes."

The Office of Management and Budget concurs in the views of the Departments of the Interior and Agriculture in their reports on S. 2385, and accordingly recommends enactment of S. 2385 if amended as suggested by the Departments.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 15, 1973.

HON. SPIRO T. AGNEW,
*President of the Senate,
Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To amend the Wild and Scenic Rivers Act," to which the President refers in his Environment and Natural Resources State of the Union Message transmitted to you today.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The draft bill amends sections 7(b) and 16 of the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906, 914 and 918; 16 U.S.C. 1278(b) and 1287).

The enclosed draft bill would extend the 5-year moratorium contained in section 7(b) of the Act for an additional 5-year period, by which time we expect to complete studies on all of the 27 river areas. Completion of these studies and implementation of resulting management plans would assure the wise use of these rivers and their immediate environments for this and future generations of Americans.

The enclosed draft bill also amends section 16 of the Wild and Scenic Rivers Act. Section 16 authorizes the appropriation of not more than \$17,000,000 for the acquisition of the initial components of the National Wild and Scenic Rivers System, of which some \$16.9 million have been appropriated. The draft bill would raise the appropriation authorization to \$37,600,000, the amount we estimate will be needed to complete acquisitions at the river areas.

Our experience with the initial authorization tends to confirm projections of the conferees on the original Act, who recognized that the ceiling imposed by section 16 might well be inadequate.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.